

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Chateau et al.

Serial No.: 10/781,499

Filed: February 18, 2004

For: **METHOD FOR THE PREPARATION
OF AN EVOLVED MICROORGANISM
FOR THE CREATION OR THE
MODIFICATION OF METABOLIC
PATHWAYS**

Group Art Unit: 1645

Examiner: Shahnan Shah, Khatol S.

Atty. Dkt. No.: CABR-029/US

Confirmation No.: 6087

Dear Sir:

CERTIFICATE OF ELECTRONIC TRANSMISSION 37 C.F.R. § 1.8
I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office via EFS-Web on the date below:
<u>June 3, 2009</u> <u>Barbara A. Avery</u>
Date Barbara A. Avery

The owner, METABOLIC EXPLORER, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent Application No. 10/546,139. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assignees. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assignees.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a

maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is the attorney or agent of record in this application.

CUSTOMER NUMBER **38824**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Colin L. Fairman", is written over a horizontal line.

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Date: June 3, 2009